IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	WESTLUND et al.	Examiner:	Alter, A.
Serial No.:	10/682,371	Group Art Unit:	3762
Filed:	October 9, 2003	Docket No.:	GUID.077PA
Confirmation No.:	6103	Customer No.:	51294
Title:	INTRAMYOCARDIAL LEAD IMPLANTATION SYSTEM AND METHOD		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being transmitted to the U.S. Patent and Trademark Office via the Office electronic filing system in accordance with 37 CFR 1.6(a)(4) on November 30, 2009.

By:/Rennae Johnson/
Rennae Johnson

NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a Notice of Appeal for the above-referenced application. Claims 1-26 and 67-74 are presented for appeal.

It is believed that no fees are due for the filing of this Notice of Appeal because a $540.00 fee was paid in connection with the Notice of Appeal filed in this case on November 18, 2008. This conclusion is based on the fact that a final Board decision was not made in the prior appeal. (MPEP § 1204.01). However, please charge Deposit Account No. 50-3581 (GUID.077PA) in any amount necessary for this appeal if the above is incorrect. Authority is also given to charge/credit the same account for any additional fees/overages.

Because the Petitioner submitted an Office Action Response within the two month period, the shortened statutory period expires on the date the Examiner mails the Advisory Action and the extension of time fee is calculated from the date of mailing of the Advisory Action. (see, MPEP 706.07(f)). In this case, since no Advisory Action was mailed from which to calculate the extension of time fee, Petitioner believes that no extension of time fee is required. However if this position is in error, Petitioner authorizes any required extension fees to be charged to Deposit Account 50-3581 (GUID.077PA).

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
Normandale Lake Blvd., Suite 320
Minneapolis, MN 55437
952.854.2700 (tel.)

By: /Paul Sherburne/
Name: Paul Sherburne
Reg. No.: 57,843